



State of Wisconsin  
2009 - 2010 LEGISLATURE

in  
4/27

LRB-1139/P2 P3

ARG&JK:cjs:md

stays

RMR

DOA:.....Byrnes, BB0264 - Regional transit authority enabling legislation

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

D. Not Gen

1 AN ACT...; relating to: the budget.

*Analysis by the Legislative Reference Bureau*

**TRANSPORTATION**

**OTHER TRANSPORTATION**

Insert ANAL

This bill allows most cities, towns, villages, and counties (political subdivisions) to create regional transit authorities (RTAs), which are public bodies corporate and politic that are separate governmental entities. The governing bodies of two or more political subdivisions may join together (participating political subdivisions) to jointly create an RTA by adopting identical resolutions (authorizing resolutions), except that, in a county that contains a 1st class city, only the county and not any municipality within the county may be a participating political subdivision of the RTA. If an RTA has already been formed, additional political subdivisions may join the RTA by adopting authorizing resolutions identical to the original authorizing resolutions if all participating political subdivisions of the RTA also adopt resolutions allowing the additional political subdivisions to join the RTA. Participating political subdivisions may generally amend or modify their authorizing resolutions, including to allow a new political subdivision to join the RTA, if, after any amendment or modification, the authorizing resolutions of all participating political subdivisions remain identical. Any RTA authorizing resolution must contain certain information, including all of the following:

1. The name of the RTA and a description or map of its jurisdictional area. "Jurisdictional area" is defined as the geographic area formed by the combined

territorial boundaries of all participating political subdivisions except that, for a county other than a county containing a 1st class city, it includes only that portion of the county that is within the territorial boundaries of cities, villages, and towns in the county that are participating political subdivisions.

2. The purpose of the RTA and the functions or services to be provided by the RTA.

3. The powers, duties, and limitations of the RTA.

4. The establishment and organization of a board of directors, in which all powers of the RTA are vested, the voting requirements for action by the board of directors, and the duties of the board of directors.

5. The manner of selection, powers, and duties of the RTA's officers.

6. The method of financing the formation and operation of the RTA.

7. If authorized, the maximum rate of the sales and use tax, not exceeding the statutory limit, that may be imposed by the RTA.

8. A procedure by which a participating political subdivision may withdraw from the RTA and provisions for the disposition or distribution of any property, assets, and obligations of the RTA on withdrawal of a participating political subdivision from the RTA or on dissolution of the RTA.

The governing body of the political subdivision must approve by at least a majority vote the authorizing resolution to create or to join an RTA. At least 30 days before approving an authorizing resolution, the governing body of a political subdivision must hold a public hearing on the resolution.

An RTA may do all of the following:

1. Establish or acquire a comprehensive unified local transportation system, which is a transportation system comprised of bus lines and other public transportation facilities generally within the jurisdictional area of the RTA. "Transportation system" is defined to include land, structures, equipment, and other property for transportation of passengers, including by bus, rail, or other form of mass transportation. The RTA may operate this transportation system or provide for its operation by another. The RTA may contract with a public or private organization to provide transportation services in lieu of directly providing these services and may purchase and lease transportation facilities to public or private transit companies. With an exception, an RTA may not directly or by contract provide service outside the RTA's jurisdictional area.

2. Coordinate specialized transportation services for persons who are disabled or aged 60 or older.

3. Own or lease real or personal property.

4. Acquire property by condemnation.

5. Enter upon highways to install, maintain, and operate the RTA's facilities.

6. Impose, by the adoption of a resolution by the board of directors, a sales and use tax in the RTA's participating political subdivisions at a rate of not more than 0.5 percent of the gross receipts or sales price or, if lower, not to exceed the maximum rate established by the authorizing resolution. Except with respect to a county containing a 1st class city, this sales and use tax may not be imposed in any municipality within a county that is a participating political subdivision of an RTA unless the

jurisdictional area

However, with respect to the DC RTA, this tax is imposed only within the Madison metropolitan planning area.

a municipality is also a participating political subdivision of the RTA. In a county that is a participating political subdivision and that contains a 1st class city, the tax is imposed countywide.

7. Incur debts and obligations. An RTA may issue tax-exempt revenue bonds, secured by a pledge of any income or revenues from any operations or other source of moneys for the RTA. The bonds of an RTA are not a debt of its ~~participating~~ <sup>member</sup> political subdivisions and neither the ~~participating~~ political subdivisions nor the state are liable for the payment of the bonds.

8. Set fees and charges for functions, facilities, and services provided by the RTA.

9. Adopt bylaws and rules to carry out the powers and purposes of the RTA.

10. Sue and be sued in its own name.

11. Employ agents, consultants, and employees, engage professional services, and purchase furniture, supplies, and materials reasonably necessary to perform its duties and exercise its powers.

12. Invest funds not required for immediate disbursement.

13. Do and perform any authorized acts by means of an agent or by contracts with any person.

14. Plan and coordinate transit and commuter rail programs in the RTA's jurisdictional area. ✓

14 15. Exercise any other powers that the board of directors considers necessary and convenient to effectuate the purposes of the RTA, including providing for passenger safety.

The board of directors of an RTA must annually prepare a budget for the RTA. Rates and other charges received by the RTA must be used only for the general expenses and capital expenditures of the RTA, to pay interest, amortization, and retirement charges on the RTA's revenue bonds, and for specific purposes of the RTA and may not be transferred to any political subdivision. The RTA must maintain an accounting system in accordance with generally accepted accounting principles and must have its financial statements and debt covenants audited annually by an independent certified public accountant.

\* An RTA that acquires a transportation system <sup>for the purpose of operating the system</sup> must assume all of the employer's obligations under any contract between the employees and management of the system to the extent allowed by law. An RTA that acquires, constructs, or operates a transportation system must negotiate an agreement with the representative of the labor organization that covers the employees affected by the acquisition, construction, or operation to protect the interests of employees affected, and that agreement must include specified provisions. Employees of the RTA are participatory employees under the Wisconsin Retirement System (WRS) if the RTA elects to join the WRS. <sup>member</sup>

x A ~~participating~~ <sup>member</sup> political subdivision <sup>for which joinder into the SE RTA is optional</sup> may withdraw from ~~an~~ <sup>this</sup> RTA if the governing body of the political subdivision adopts a resolution requesting withdrawal from the RTA and the political subdivision has paid, or made provision for the payment of, all obligations of the political subdivision to the RTA.

9 An RTA may be dissolved if a majority of the participating political subdivisions adopt resolutions recommending the dissolution of the RTA. Dissolution of an RTA may not occur until adequate provision has been made for payment of the RTA's outstanding indebtedness, including outstanding revenue bonds. Dissolution of an RTA, and withdrawal of a political subdivision from an RTA, is subject to provisions of the authorizing resolutions relating to, respectively, dissolution or withdrawal.

Current law provides limited immunity for cities, villages, towns, counties, and other political corporations and governmental subdivisions, and for officers, officials, agents, and employees of these entities, for acts done in an official capacity or in the course of employment. Claimants must generally follow a specified claims procedure and liability for damages is generally limited to \$50,000 except that no liability may be imposed for performance of a discretionary duty or for punitive damages. If a person suffers damage resulting from the negligent operation of a motor vehicle owned and operated by a county, city, village, town, school district, sewer district, or other political subdivision of the state in the course of its business, the person may file a claim for damages following this claims procedure and the amount of damages recoverable is limited to \$250,000. This bill specifies that this provision related to claims and liability for negligent operation of a motor vehicle by a political subdivision applies to an RTA.

The bill also allows RTAs to participate in organizing municipal insurance mutuals to provide insurance and risk management services.

Under current law, the counties of Kenosha, Racine, and Milwaukee must create a Regional Transit Authority (KRM RTA). The KRM RTA's governing body consists of the following seven members: 1) one member from each county in the three-county region, appointed by the county executive of each county and approved by the county board; 2) one member from the most populous city in each county in the three-county region, appointed by the mayor of each such city and approved by the common council; and 3) one member from the most populous city in the three-county region, appointed by the governor. The KRM RTA is responsible for the coordination of transit and commuter rail programs within these counties but has no authority to manage or operate any transit system. The KRM RTA may receive funding by imposing a rental car transaction fee within these counties, but the fee may be used only to hire staff, conduct studies, and prepare a report to the legislature and the governor, due by November 15, 2008. The report must include certain information, including a recommendation as to whether the responsibilities of the KRM RTA should be limited to collection and distribution of regional transit funding or should also include operation of transit service and a recommendation on whether the KRM RTA should continue in existence after September 30, 2009.

This bill requires the creation of a successor RTA to replace the KRM RTA. The successor RTA must include as participating political subdivisions the cities of Kenosha and Racine and Milwaukee County and must be created effective July 1, 2010. The city of Milwaukee and the counties of Kenosha and Racine may also join in this successor RTA. The successor RTA is formed in the same manner, and has the same authority, as other RTAs under the bill except that the successor RTA retains the rental car transaction fee as an available funding source.

terminates

For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

1       **SECTION 1.** 20.566 (1) (gc) of the statutes is created to read:

2       20.566 (1) (gc) *Administration of transit authority taxes.* From the moneys  
3 received from the appropriation account under s. 20.835 (4) (gc), the amounts in the  
4 schedule for the purpose of administering the transit authority taxes imposed under  
5 s. 77.708. Notwithstanding s. 20.001 (3) (a), at the end of the fiscal year the  
6 unencumbered balance in this appropriation account shall be transferred to the  
7 appropriation account under s. 20.835 (4) (gc).

      \*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

8       **SECTION 2.** ~~20.566~~ (1) (gh) (title) of the statutes is amended to read:

9       ~~20.566 (1) (gh) (title) *Administration of regional transit authority fees.*~~

      \*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

10       **SECTION 3.** 20.835 (4) (gc) of the statutes is created to read:

11       20.835 (4) (gc) *Transit authority taxes.* All moneys received from the taxes  
12 imposed under s. 77.708, and from the appropriation account under s. 20.566 (1) (gc),  
13 for the purpose of distribution to the transit authorities that adopt a resolution  
14 imposing taxes under subch. V of ch. 77, except that 1.5 percent of those tax revenues  
15 collected under subch. V of ch. 77 shall be credited to the appropriation account under  
16 s. 20.566 (1) (gc).

      \*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

17       **SECTION 4.** ~~20.835~~ (4) (gh) of the statutes is amended to read:

1       20.835 (4) (gh) *Regional transit Transit authority fees*. All moneys received  
2       from the fees imposed under subch. XIII of ch. 77, and from the appropriation account  
3       under s. 20.566 (1) (gh), for distribution to the regional transit authority created  
4       under s. ~~59.58 (6)~~ 66.1039 (15), except that 2.55% of the moneys received from the  
5       fees imposed under subch. XIII of ch. 77 shall be credited to the appropriation  
6       account under s. 20.566 (1) (gh).

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
      reflected in the revised schedule in s. 20.005, stats.

7       **SECTION 5.** 32.02 (11) of the statutes is amended to read:

8       32.02 (11) Any housing authority created under ss. 66.1201 to 66.1211;  
9       redevelopment authority created under s. 66.1333; community development  
10      authority created under s. 66.1335; local cultural arts district created under subch.  
11      V of ch. 229, subject to s. 229.844 (4) (c); ~~or local exposition district created under~~  
12      subch. II of ch. 229; or transit authority created under s. 66.1039.

13      **SECTION 6.** 32.05 (1) (a) of the statutes is amended to read:

14      32.05 (1) (a) Except as provided under par. (b), a county board of supervisors  
15      or a county highway committee when so authorized by the county board of  
16      supervisors, a city council, a village board, a town board, a sewerage commission  
17      governing a metropolitan sewerage district created by ss. 200.05 or 200.21 to 200.65,  
18      the secretary of transportation, a commission created by contract under s. 66.0301,  
19      a joint local water authority created by contract under s. 66.0823, a transit authority  
20      created under s. 66.1039, a housing authority under ss. 66.1201 to 66.1211, a local  
21      exposition district created under subch. II of ch. 229, a local cultural arts district  
22      created under subch. V of ch. 229, a redevelopment authority under s. 66.1333 or a  
23      community development authority under s. 66.1335 shall make an order providing

1 for the laying out, relocation and improvement of the public highway, street, alley,  
2 storm and sanitary sewers, watercourses, water transmission and distribution  
3 facilities, mass transit facilities, airport, or other transportation facilities, gas or  
4 leachate extraction systems to remedy environmental pollution from a solid waste  
5 disposal facility, housing project, redevelopment project, cultural arts facilities,  
6 exposition center or exposition center facilities which shall be known as the  
7 relocation order. This order shall include a map or plat showing the old and new  
8 locations and the lands and interests required. A copy of the order shall, within 20  
9 days after its issue, be filed with the county clerk of the county wherein the lands are  
10 located or, in lieu of filing a copy of the order, a plat may be filed or recorded in  
11 accordance with s. 84.095.

12 **SECTION 7.** 32.07 (2) of the statutes is amended to read:

13 32.07 (2) The petitioner shall determine necessity if application is by the state  
14 or any commission, department, board or other branch of state government or by a  
15 city, village, town, county, school district, board, commission, public officer,  
16 commission created by contract under s. 66.0301, joint local water authority under  
17 s. 66.0823, transit authority created under s. 66.1039, redevelopment authority  
18 created under s. 66.1333, local exposition district created under subch. II of ch. 229,  
19 local cultural arts district created under subch. V of ch. 229, housing authority  
20 created under ss. 66.1201 to 66.1211 or for the right-of-way of a railroad up to 100  
21 feet in width, for a telegraph, telephone or other electric line, for the right-of-way  
22 for a gas pipeline, main or service or for easements for the construction of any  
23 elevated structure or subway for railroad purposes.

24 **SECTION 8.** 40.02 (28) of the statutes, as affected by 2007 Wisconsin Act 20,  
25 section 756, is amended to read:

1        40.02 (28) "Employer" means the state, including each state agency, any  
2 county, city, village, town, school district, other governmental unit or  
3 instrumentality of 2 or more units of government now existing or hereafter created  
4 within the state, any federated public library system established under s. 43.19  
5 whose territory lies within a single county with a population of 500,000 or more, a  
6 local exposition district created under subch. II of ch. 229, a transit authority created  
7 under s. 66.1039, and a long-term care district created under s. 46.2895, except as  
8 provided under ss. 40.51 (7) and 40.61 (3) and subch. X. "Employer" does not include  
9 a local cultural arts district created under subch. V of ch. 229. Each employer shall  
10 be a separate legal jurisdiction for OASDHI purposes.

11        **SECTION 9.** 40.02 (28) of the statutes, as affected by 2007 Wisconsin Act 20,  
12 section 757, and 2009 Wisconsin Act .... (this act), is repealed and recreated to read:

13        40.02 (28) "Employer" means the state, including each state agency, any  
14 county, city, village, town, school district, other governmental unit or  
15 instrumentality of 2 or more units of government now existing or hereafter created  
16 within the state, any federated public library system established under s. 43.19  
17 whose territory lies within a single county with a population of 500,000 or more, a  
18 local exposition district created under subch. II of ch. 229, a transit authority created  
19 under s. 66.1039, and a long-term care district created under s. 46.2895, except as  
20 provided under ss. 40.51 (7) and 40.61 (3). "Employer" does not include a local  
21 cultural arts district created under subch. V of ch. 229. Each employer shall be a  
22 separate legal jurisdiction for OASDHI purposes.

23        **SECTION 10.** 59.58 (6) (title), (a) and (b) of the statutes are repealed. X

24        **SECTION 11.** 59.58 (6) (c) of the statutes is renumbered 66.1039 (3) (t) and  
25 amended to read:

1 66.1039 (3) (t) ~~Notwithstanding s. 59.84 (2), the authority shall be responsible~~  
2 ~~for the coordination of~~ Plan and coordinate transit and commuter rail programs in  
3 the region authority's jurisdictional area.

4 SECTION 12. 59.58 (6) (cg) 1. of the statutes is renumbered 66.1039 (15) (b) and  
5 amended to read:

6 66.1039 (15) (b) The In addition to any other funding authorized under this  
7 section, an authority created under this subsection may impose the fees under subch.  
8 XIII of ch. 77.

9 SECTION 13. 59.58 (6) (cg) 2. and 3. and (cr) of the statutes are repealed.

10 SECTION 14. 59.58 (6) (d) of the statutes is renumbered 66.1039 (15) (c) 1. and  
11 amended to read:

12 66.1039 (15) (c) 1. The department of transportation or its designee, or the  
13 southeastern Wisconsin Regional Planning Commission, ~~or any designee of the~~  
14 ~~governing body of the authority~~ may provide administrative support services to  
15 assist the an authority created under this subsection in fulfilling its duties.

16 SECTION 15. 59.58 (6) (dm) of the statutes is renumbered 66.1039 (15) (c) 2. and  
17 amended to read:

18 66.1039 (15) (c) 2. Any recipient of state funding for the planning or  
19 engineering of a commuter rail project in the region jurisdictional area of an  
20 authority created under this subsection shall periodically report to the authority's  
21 ~~governing body~~ board of directors, officers, or staff.

22 SECTION 16. 59.58 (6) (e) of the statutes is repealed.

23 SECTION 17. 66.0301 (1) (a) of the statutes is amended to read:

24 66.0301 (1) (a) Except as provided in pars. (b) and (c), in this section  
25 "municipality" means the state or any department or agency thereof, or any city,

Insert  
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1 village, town, county, school district, public library system, public inland lake  
2 protection and rehabilitation district, sanitary district, farm drainage district,  
3 metropolitan sewerage district, sewer utility district, solid waste management  
4 system created under s. 59.70 (2), local exposition district created under subch. II of  
5 ch. 229, local professional baseball park district created under subch. III of ch. 229,  
6 local professional football stadium district created under subch. IV of ch. 229, a local  
7 cultural arts district created under subch. V of ch. 229, transit authority created  
8 under s. 66.1039, long-term care district under s. 46.2895, water utility district,  
9 mosquito control district, municipal electric company, county or city transit  
10 commission, commission created by contract under this section, taxation district,  
11 regional planning commission, or city-county health department.

12 **SECTION 18.** 66.1039 of the statutes is created to read:

13 **66.1039 Transit authorities. (1) DEFINITIONS.** In this section:

14 (a) "Authority" means a transit authority created under this section.

15 (b) "Bonds" means any bonds, interim certificates, notes, debentures, or other  
16 obligations of an authority issued under this section.

17 (c) "Common carrier" means any of the following:

18 1. A common motor carrier, as defined in s. 194.01 (1).

19 2. A contract motor carrier, as defined in s. 194.01 (2).

20 3. A railroad subject to ch. 195, as described in s. 195.02 (1) and (3).

21 4. A water carrier, as defined in s. 195.02 (5).

22 (d) "Comprehensive unified local transportation system" means a  
23 transportation system that is comprised of motor bus lines and any other local public  
24 transportation facilities, the major portion of which is located within, or the major

1 portion of the service of which is supplied to the inhabitants of, the jurisdictional area  
2 of the authority.

3 (e) 1. Except as provided in subd. 2., "jurisdictional area" means the geographic  
4 area formed by the combined territorial boundaries of all participating political  
5 subdivisions.

6 2. For a participating political subdivision that is a county, "jurisdictional area"  
7 includes only that portion of the county that is within the territorial boundaries of  
8 municipalities in the county that are also participating political subdivisions except  
9 that, for a county containing a 1st class city, "jurisdictional area" includes the entire  
10 geographic area formed by the territorial boundaries of that county.

11 (e) (f) "Municipality" means any city, village, or town except a city, village, or town  
12 located in a county containing a 1st class city.

13 (f) (g) "Participating political subdivision" means a political subdivision that has  
14 adopted a resolution to create <sup>is a member of</sup> an authority or to join an established authority under  
15 this section. <sup>either from the time of creation of the authority</sup>

16 (g) (h) "Political subdivision" means a municipality or county. <sup>or by later joining the authority.</sup>

17 (h) (i) "Transportation system" means all land, shops, structures, equipment,  
18 property, franchises, and rights of whatever nature required for transportation of  
19 passengers within the jurisdictional area of the authority and, only to the extent  
20 specifically authorized under this section, outside the jurisdictional area of the  
21 authority. "Transportation system" includes elevated railroads, subways,  
22 underground railroads, motor vehicles, motor buses, and any combination thereof,  
23 and any other form of mass transportation, but does not include transportation  
24 excluded from the definition of "common motor carrier" under s. 194.01 (1) or charter

1 or contract operations to, from, or between points that are outside the jurisdictional  
2 area of the authority.

3 (2) CREATION OF TRANSIT AUTHORITIES. (a) The governing body of a political  
4 subdivision may, by resolution, declare the need for an authority to function in the  
5 political subdivision and may join together with one or more other political  
6 subdivisions to jointly create, by adopting identical resolutions, a public body  
7 corporate and politic in these political subdivisions. This public body shall be a  
8 separate governmental entity and shall be known as a "regional transit authority."  
9 The authority may transact business and exercise any powers granted to it under  
10 this section.

11 (b) If an authority has been created under par. (a), a political subdivision may  
12 join this authority if the governing body of the political subdivision adopts a  
13 resolution identical to the resolutions creating the authority and all participating  
14 political subdivisions of the authority adopt resolutions allowing the political  
15 subdivision to join the authority.

16 (c) Any resolution under pars. (a) and (b) to create or to join an authority shall  
17 specify all of the following:

18 1. The name of the authority and a description or map of its jurisdictional area.

19 2. The purpose of the authority and the functions or services to be provided by  
20 the authority. ✓

21 3. The powers, duties, and limitations of the authority. ✓

22 4. The establishment and organization of a board of directors, in which all  
23 powers of the authority shall be vested. The resolution may permit the board of  
24 directors to create an executive committee of the board of directors to assist the board

1 of directors in exercising its powers and duties, but these powers and duties may only  
2 be carried out by action of the board in compliance with subd. 7.

3 5. The number of directors, the manner of their appointment, the terms of their  
4 office, their compensation, if any, and the procedure for filling vacancies on the board  
5 of directors.

6 6. The manner of selection of the officers of the authority and their powers,  
7 duties, and limitations.

8 7. The voting requirements for action by the board of directors. A vote  
9 representing at least a majority of the total number of authorized directors,  
10 regardless of whether any vacancy exists, is necessary for any action to be taken by  
11 the board of directors.

12 8. The duties of the board of directors, including the obligation to comply with  
13 this section and the laws of this state and with the terms of the resolutions adopted  
14 under this section.

15 9. The method of financing the formation and operation of the authority.

16 3 10. The maximum rate of the taxes that may be imposed by the authority under  
17 sub. (3)(s), not to exceed the maximum rate specified in s. 77.708 (1). The rate of the  
18 taxes that may be imposed by the authority under sub. (3) (s) shall be uniform among  
19 the participating political subdivisions of the authority.

20 11. Subject to sub. (12), a procedure by which a participating political  
21 subdivision may withdraw from the authority and provisions for the disposition,  
22 division, or distribution of any property, assets, and obligations of the authority on  
23 withdrawal of a participating political subdivision or on dissolution of the authority.

(d) Subject to par. (e), any resolution under pars. (a) and (b) shall be approved by at least a majority vote of the members of the governing body of the political subdivision.

(e) At least 30 days before approving a resolution under par. (a) or (b), the governing body of a political subdivision shall hold a public hearing on the resolution. Notice of the hearing shall be published as a class 3 notice under ch. 985.

(f) A political subdivision may not be a participating political subdivision in more than one authority.

(g) If an authority has been created under this subsection, the participating political subdivisions of the authority may amend or modify their original resolutions to create or to join the authority if, after any amendment or modification, the resolutions of all participating political subdivisions of the authority remain identical and continue to satisfy the requirements under this section for the creation of an authority, except the requirement under par. (e). Any such amendment or modification shall be approved by at least a majority vote of the members of the governing body of the participating political subdivision. Any such amendment or modification of the original resolutions to create or to join the authority does not create a new authority unless specifically provided otherwise in the amendment or modification, even if the amendment or modification is undertaken for the purpose of including additional participating political subdivisions in the authority.

(B) (4) (3) POWERS. Notwithstanding s. 59.84 (2) and any other provision of this chapter or ch. 59 or 85, an authority may do all of the following, to the extent authorized in the resolutions that created the authority. <sup>'s bylaws</sup>

(a) Establish, maintain, and operate a comprehensive unified local transportation system primarily for the transportation of persons.

1 (b) Acquire a comprehensive unified local transportation system and provide  
2 funds for the operation and maintenance of the system. Upon the acquisition of a  
3 comprehensive unified local transportation system, the authority may:

4 1. Operate and maintain it or lease it to an operator or contract for its use by  
5 an operator.

6 2. Contract for superintendence of the system with an organization that has  
7 personnel with the requisite experience and skill.

8 3. Delegate responsibility for the operation and maintenance of the system to  
9 an appropriate administrative officer, board, or commission of a participating  
10 political subdivision.

11 4. Maintain and improve railroad rights-of-way and improvements on these  
12 rights-of-way for future use.

13 (c) Contract with a public or private organization to provide transportation  
14 services in lieu of directly providing these services.

15 (d) Purchase and lease transportation facilities to public or private transit  
16 companies that operate within and outside the jurisdictional area.

17 (e) Apply for federal aids to purchase transportation facilities considered  
18 essential for the authority's operation.

19 (f) Coordinate specialized transportation services, as defined in s. 85.21 (2) (g),  
20 for residents who reside within the jurisdictional area and who are disabled or aged  
21 60 or older, including services funded under 42 USC 3001 to 3057n, 42 USC 5001, and  
22 42 USC 5011 (b), under ss. 49.43 to 49.499 and 85.21, and under other public funds  
23 administered by the county. An authority may contract with a county that is a  
24 participating political subdivision for the authority to provide specialized  
25 transportation services, but an authority is not an eligible applicant under s. 85.21

1 (2) (e) and may not receive payments directly from the department of transportation  
2 under s. 85.21.

3 (g) Acquire, own, hold, use, lease as lessor or lessee, sell or otherwise dispose  
4 of, mortgage, pledge, or grant a security interest in any real or personal property or  
5 service.

6 (h) Acquire property by condemnation using the procedure under s. 32.05 for  
7 the purposes set forth in this section.

8 (i) Enter upon any state, county, or municipal street, road, or alley, or any public  
9 highway for the purpose of installing, maintaining, and operating the authority's  
10 facilities. Whenever the work is to be done in a state, county, or municipal highway,  
11 street, road, or alley, the public authority having control thereof shall be duly  
12 notified, and the highway, street, road, or alley shall be restored to as good a condition  
13 as existed before the commencement of the work with all costs incident to the work  
14 to be borne by the authority.

15 (j) Fix, maintain, and revise fees, rates, rents, and charges for functions,  
16 facilities, and services provided by the authority.

17 (k) Make, and from time to time amend and repeal, bylaws, rules, and  
18 regulations to carry into effect the powers and purposes of the authority.

19 (L) Sue and be sued in its own name.

20 (m) Have and use a corporate seal.

21 (n) Employ agents, consultants, and employees, engage professional services,  
22 and purchase such furniture, stationery, and other supplies and materials as are  
23 reasonably necessary to perform its duties and exercise its powers.

24 (o) Incur debts, liabilities, or obligations including the borrowing of money and  
25 the issuance of bonds under subs. <sup>(7)</sup> (6) and <sup>(10)</sup> (9).

1 (p) Invest any funds held in reserve or sinking funds, or any funds not required  
2 for immediate disbursement, including the proceeds from the sale of any bonds, in  
3 such obligations, securities, and other investments as the authority deems proper in  
4 accordance with s. 66.0603 (1m).

5 (q) Do and perform any acts and things authorized by this section under,  
6 through, or by means of an agent or by contracts with any person.

7 (r) Exercise any other powers that the board of directors considers necessary  
8 and convenient to effectuate the purposes of the authority, including providing for  
9 passenger safety.

Insert  
17-11  
10 (s) Impose, by the adoption of a resolution by the board of directors, the taxes  
11 under subch. V of ch. 77 in the authority's participating political subdivisions. With  
12 respect to any county, other than a county containing a 1st class city, that is a  
13 participating political subdivision, the taxes authorized under this paragraph may  
14 not be imposed in any municipality within the county that is not a participating  
15 political subdivision of the authority. If an authority adopts a resolution to impose  
16 the taxes, it shall deliver a certified copy of the resolution to the department of  
17 revenue at least 120 days before its effective date. The authority may, by adoption  
18 of a resolution by the board of directors, repeal the imposition of taxes under subch.  
19 V of ch. 77 and shall deliver a certified copy of the repeal resolution to the department  
20 of revenue at least 120 days before its effective date.

21 (3) (4) LIMITATIONS ON AUTHORITY POWERS. (a) Notwithstanding sub. (3) (a), (b), (c),  
22 (d), (q), and (r), no authority, and no public or private organization with which an  
23 authority has contracted for service, may provide service outside the jurisdictional  
24 area of the authority unless the authority receives financial support for the service  
25 under a contract with a public or other private organization for the service.

(b) Whenever the proposed operations of an authority would be competitive with the operations of a common carrier in existence prior to the time the authority commences operations, the authority shall coordinate proposed operations with the common carrier to eliminate adverse financial impact for the carrier. This coordination may include route overlapping, transfers, transfer points, schedule coordination, joint use of facilities, lease of route service, and acquisition of route and corollary equipment. If this coordination does not result in mutual agreement, the proposals of the authority and the common carrier shall be submitted to the department of transportation for arbitration.

(c) In exercising its powers under sub. (3), an authority shall consider any plan of a metropolitan planning organization under 23 USC 134 that covers any portion of the authority's jurisdictional area.

*(4)*  
*for the purpose of the authority's operation of the system*

(5) AUTHORITY OBLIGATIONS TO EMPLOYEES OF MASS TRANSPORTATION SYSTEMS. (a)

An authority acquiring a comprehensive unified local transportation system shall assume all of the employer's obligations under any contract between the employees and management of the system to the extent allowed by law.

(b) An authority acquiring, constructing, controlling, or operating a comprehensive unified local transportation system shall negotiate an agreement with the representative of the labor organization that covers the employees affected by the acquisition, construction, control, or operation to protect the interests of employees affected. This agreement shall include all of the provisions identified in s. 59.58 (4) (b) 1. to 8. and may include provisions identified in s. 59.58 (4) (c). An affected employee has all the rights and the same status under subch. IV of ch. 111 that he or she enjoyed immediately before the acquisition, construction, control, or

1 operation and may not be required to serve a probationary period if he or she attained  
2 permanent status before the acquisition, construction, control, or operation.

3 (c) In all negotiations under this subsection, a senior executive officer of the  
4 authority shall be a member of the authority's negotiating body.

5 (6) BONDS; GENERALLY. (a) An authority may issue bonds, the principal and  
6 interest on which are payable exclusively from all or a portion of any revenues  
7 received by the authority. The authority may secure its bonds by a pledge of any  
8 income or revenues from any operations, rent, aids, grants, subsidies, contributions,  
9 or other source of moneys whatsoever.

10 (b) An authority may issue bonds in such principal amounts as the authority  
11 deems necessary.

12 (c) 1. Neither the members of the board of directors of an authority nor any  
13 person executing the bonds is personally liable on the bonds by reason of the issuance  
14 of the bonds.

15 2. The bonds of an authority are not a debt of the participating political  
16 subdivisions. Neither the participating political subdivisions nor the state are liable  
17 for the payment of the bonds. The bonds of any authority shall be payable only out  
18 of funds or properties of the authority. The bonds of the authority shall state the  
19 restrictions contained in this paragraph on the face of the bonds.

20 (7) ISSUANCE OF BONDS. (a) Bonds of an authority shall be authorized by  
21 resolution of the board of directors. The bonds may be issued under such a resolution  
22 or under a trust indenture or other security instrument. The bonds may be issued  
23 in one or more series and may be in the form of coupon bonds or registered bonds  
24 under s. 67.09. The bonds shall bear the dates, mature at the times, bear interest  
25 at the rates, be in the denominations, have the rank or priority, be executed in the

1 manner, be payable in the medium of payment and at the places, and be subject to  
2 the terms of redemption, with or without premium, as the resolution, trust  
3 indenture, or other security instrument provides. Bonds of an authority are issued  
4 for an essential public and governmental purpose and are public instrumentalities  
5 and, together with interest and income, are exempt from taxes.

6 (b) The authority may sell the bonds at public or private sales at the price or  
7 prices determined by the authority.

8 (c) If an officer whose signatures appear on any bonds or coupons ceases to be  
9 an officer of the authority before the delivery of the bonds or coupons, the officer's  
10 signature shall, nevertheless, be valid for all purposes as if the officer had remained  
11 in office until delivery of the bonds or coupons.

12 (9)(8) COVENANTS. An authority may do all of the following in connection with the  
13 issuance of bonds:

14 (a) Covenant as to the use of any or all of its property, real or personal.

15 (b) Redeem the bonds, or covenant for the redemption of the bonds, and provide  
16 the terms and conditions of the redemption.

17 (c) Covenant as to charge fees, rates, rents, and charges sufficient to meet  
18 operating and maintenance expenses, renewals, and replacements of any  
19 transportation system, principal and debt service on bonds creation and  
20 maintenance of any reserves required by a bond resolution, trust indenture, or other  
21 security instrument and to provide for any margins or coverages over and above debt  
22 service on the bonds that the board of directors considers desirable for the  
23 marketability of the bonds.

24 (d) Covenant as to the events of default on the bonds and the terms and  
25 conditions upon which the bonds shall become or may be declared due before

1 maturity, as to the terms and conditions upon which this declaration and its  
2 consequences may be waived, and as to the consequences of default and the remedies  
3 of bondholders.

4 (e) Covenant as to the mortgage or pledge of, or the grant of a security interest  
5 in, any real or personal property and all or any part of the revenues of the authority  
6 to secure the payment of bonds, subject to any agreements with the bondholders.

7 (f) Covenant as to the custody, collection, securing, investment, and payment  
8 of any revenues, assets, moneys, funds, or property with respect to which the  
9 authority may have any rights or interest.

10 (g) Covenant as to the purposes to which the proceeds from the sale of any bonds  
11 may be applied, and as to the pledge of such proceeds to secure the payment of the  
12 bonds.

13 (h) Covenant as to limitations on the issuance of any additional bonds, the  
14 terms upon which additional bonds may be issued and secured, and the refunding  
15 of outstanding bonds.

16 (i) Covenant as to the rank or priority of any bonds with respect to any lien or  
17 security.

18 (j) Covenant as to the procedure by which the terms of any contract with or for  
19 the benefit of the holders of bonds may be amended or abrogated, the amount of  
20 bonds, the holders of which must consent thereto, and the manner in which such  
21 consent may be given.

22 (k) Covenant as to the custody and safekeeping of any of its properties or  
23 investments, the insurance to be carried on the property or investments, and the use  
24 and disposition of insurance proceeds.

1 (L) Covenant as to the vesting in one or more trustees, within or outside the  
2 state, of those properties, rights, powers, and duties in trust as the authority  
3 determines.

4 (m) Covenant as to the appointing of, and providing for the duties and  
5 obligations of, one or more paying agent or other fiduciaries within or outside the  
6 state.

7 (n) Make all other covenants and do any act that may be necessary or  
8 convenient or desirable in order to secure its bonds or, in the absolute discretion of  
9 the authority, tend to make the bonds more marketable.

10 (o) Execute all instruments necessary or convenient in the exercise of the  
11 powers granted under this section or in the performance of covenants or duties,  
12 which may contain such covenants and provisions as a purchaser of the bonds of the  
13 authority may reasonably require.

14 (B) (10) (9) REFUNDING BONDS. An authority may issue refunding bonds for the purpose  
15 of paying any of its bonds at or prior to maturity or upon acceleration or redemption.

16 An authority may issue refunding bonds at such time prior to the maturity or  
17 redemption of the refunded bonds as the authority deems to be in the public interest.

18 The refunding bonds may be issued in sufficient amounts to pay or provide the  
19 principal of the bonds being refunded, together with any redemption premium on the

20 bonds, any interest accrued or to accrue to the date of payment of the bonds, the  
21 expenses of issue of the refunding bonds, the expenses of redeeming the bonds being

22 refunded, and such reserves for debt service or other capital or current expenses from  
23 the proceeds of such refunding bonds as may be required by the resolution, trust

24 indenture, or other security instruments. To the extent applicable, refunding bonds  
25 are subject to subs. (7) and (8). (9)

✓ ✓

1 (10) BONDS ELIGIBLE FOR INVESTMENT. (a) Any of the following may invest funds,  
2 including capital in their control or belonging to them, in bonds of the authority:

- 3 1. Public officers and agencies of the state.
- 4 2. Local governmental units, as defined in s. 19.42 (7u).
- 5 3. Insurance companies.
- 6 4. Trust companies.
- 7 5. Banks.
- 8 6. Savings banks.
- 9 7. Savings and loan associations.
- 10 8. Investment companies.
- 11 9. Personal representatives.
- 12 10. Trustees.
- 13 11. Other fiduciaries not listed in this paragraph.

14 (b) The authority's bonds are securities that may be deposited with and  
15 received by any officer or agency of the state or any local governmental unit, as  
16 defined in s. 19.42 (7u), for any purpose for which the deposit of bonds or obligations  
17 of the state or any local governmental unit is authorized by law.

18 (11) BUDGETS; RATES AND CHARGES; AUDIT. The board of directors of an authority  
19 shall annually prepare a budget for the authority. Rates and other charges received  
20 by the authority shall be used only for the general expenses and capital expenditures  
21 of the authority, to pay interest, amortization, and retirement charges on bonds, and  
22 for specific purposes of the authority and may not be transferred to any political  
23 subdivision. The authority shall maintain an accounting system in accordance with  
24 generally accepted accounting principles and shall have its financial statements and  
25 debt covenants audited annually by an independent certified public accountant.

*that joined an authority under  
sub. (2) (a) 2. or 3.*

*(b) (13)*

(12) WITHDRAWAL FROM AUTHORITY. (a) A participating political subdivision may withdraw from an authority if all of the following conditions are met:

(a) *14* The governing body of the political subdivision adopts a resolution *by a* majority vote of the members of the governing body requesting withdrawal of the political subdivision from the authority.

(b) *21* The political subdivision has paid, or made provision for the payment of, all obligations of the political subdivision to the authority.

(b) If a political subdivision has withdrawn from an authority as provided in par. (a), any tax authorized under sub. (3) (s) that is levied by the authority within the political subdivision shall continue to be levied for the period of time for which the authority has authorized the tax in a resolution imposing the tax under sub. (3) (s) if such a resolution specifies a time period for the tax or until the effective date of a tax repeal resolution under sub. (3) (s), whichever occurs first. The political subdivision shall continue to receive transportation services from the authority, in the same manner and to the same extent as those provided prior to the withdrawal, for so long as the tax continues to be levied.

(c) Withdrawal of a political subdivision from an authority is subject to the resolution provisions specified in sub. (2) (c) 11.

(13) DISSOLUTION OF AUTHORITY. An authority may be dissolved if the governing bodies of a majority of the participating political subdivisions adopt resolutions, by a majority vote of the members of each governing body, recommending the dissolution of the authority. Dissolution of an authority is subject to the resolution provisions specified in sub. (2) (c) 11. Dissolution of an authority may not occur until all outstanding indebtedness of the authority has been paid and all unexpended funds returned to the participating political subdivisions that supplied them, or until

adequate provision has been made for the outstanding indebtedness or unexpended funds. An authority may not be dissolved so long as it has bonds outstanding, unless provision for full payment of such bonds, by escrow or otherwise, has been made pursuant to the terms of the bonds or the resolution, trust indenture, or security instrument securing the bonds. The authority shall notify the department of revenue of the authority's dissolution at least 120 days before the dissolution's effective date.

*Insert 25-7*  
**(14)** OTHER STATUTES. This section does not limit the powers of political subdivisions to enter into intergovernmental cooperation or contracts or to establish separate legal entities under s. 66.0301 or 66.1021 or any other applicable law, or otherwise to carry out their powers under applicable statutory provisions. Section 66.0803 (2) does not apply to an authority.

**SECTION 19.** 66.1039 (15) (title) and (a) of the statutes are created to read:

**66.1039 (15)** (title) SOUTHEAST WISCONSIN TRANSIT AUTHORITY.

(a) The county of Milwaukee, and the cities of Kenosha and Racine, shall jointly create an authority under sub. (2) (a), with the creation to be effective July 1, 2010. The counties of Kenosha and Racine, and the city of Milwaukee, may also join in the creation of this authority. Notwithstanding sub. (1) (f), if the city of Milwaukee joins in the creation of an authority as provided in this paragraph, the city of Milwaukee shall be considered to be a municipality for purposes of this section.

**SECTION 20.** 66.1039 (15) (d) of the statutes is created to read:

**66.1039 (15)** (d) The participating political subdivisions creating an authority as required under this subsection shall consider, in creating this authority, any recommendation, plan, or proposal included in the report specified in s. 59.58 (6) (e), 2007 stats.

1           **SECTION 21.** 67.01 (5) of the statutes is amended to read:

2           67.01 (5) "Municipality" means any of the following which is authorized to levy  
3 a tax: a county, city, village, town, school district, board of park commissioners,  
4 technical college district, metropolitan sewerage district created under ss. 200.01 to  
5 200.15 or 200.21 to 200.65, town sanitary district under subch. IX of ch. 60, transit  
6 authority created under s. 66.1039, public inland lake protection and rehabilitation  
7 district established under s. 33.23, 33.235, or 33.24, and any other public body  
8 empowered to borrow money and issue obligations to repay the money out of public  
9 funds or revenues. "Municipality" does not include the state.

10          **SECTION 22.** 70.11 (2) of the statutes is amended to read:

11          70.11 (2) MUNICIPAL PROPERTY AND PROPERTY OF CERTAIN DISTRICTS, EXCEPTION.  
12 Property owned by any county, city, village, town, school district, technical college  
13 district, public inland lake protection and rehabilitation district, metropolitan  
14 sewerage district, municipal water district created under s. 198.22, joint local water  
15 authority created under s. 66.0823, transit authority created under s. 66.1039,  
16 long-term care district under s. 46.2895 or town sanitary district; lands belonging  
17 to cities of any other state used for public parks; land tax-deeded to any county or  
18 city before January 2; but any residence located upon property owned by the county  
19 for park purposes that is rented out by the county for a nonpark purpose shall not  
20 be exempt from taxation. Except as to land acquired under s. 59.84 (2) (d), this  
21 exemption shall not apply to land conveyed after August 17, 1961, to any such  
22 governmental unit or for its benefit while the grantor or others for his or her benefit  
23 are permitted to occupy the land or part thereof in consideration for the conveyance.  
24 Leasing the property exempt under this subsection, regardless of the lessee and the  
25 use of the leasehold income, does not render that property taxable.

1       **SECTION 23.** 71.26 (1) (b) of the statutes is amended to read:

2       71.26 (1) (b) *Political units.* Income received by the United States, the state  
3       and all counties, cities, villages, towns, school districts, technical college districts,  
4       joint local water authorities created under s. 66.0823, transit authorities created  
5       under s. 66.1039, long-term care districts under s. 46.2895 or other political units  
6       of this state.

7       **SECTION 24.** Chapter 77 (title) of the statutes is amended to read:

8                               **CHAPTER 77**

9                               **TAXATION OF FOREST CROPLANDS;**

10                              **REAL ESTATE TRANSFER FEES;**

11                              **SALES AND USE TAXES;**

12                              **COUNTY, TRANSIT AUTHORITY,**

13                              **AND SPECIAL DISTRICT SALES AND**

14                              **USE TAXES; MANAGED FOREST LAND;**

15                              **RECYCLING SURCHARGE;**

16                              **LOCAL FOOD AND BEVERAGE TAX;**

17                              **LOCAL RENTAL CAR TAX;**

18                              **PREMIER RESORT AREA TAXES;**

19                              **STATE RENTAL VEHICLE FEE;**

20                              **DRY CLEANING FEES;**

21                              **REGIONAL TRANSIT AUTHORITY FEE**

22       **SECTION 25.** 77.54 (9a) (er) of the statutes is created to read:

23       77.54 (9a) (er) Any transit authority created under s. 66.1039.

24       **SECTION 26.** Subchapter V (title) of chapter 77 [precedes 77.70] of the statutes  
25       is amended to read:

## 1 CHAPTER 77

## 2 SUBCHAPTER V

3 COUNTY, TRANSIT4 AUTHORITY, AND SPECIAL DISTRICT

## 5 SALES AND USE TAXES

6 SECTION 27. 77.708 of the statutes is created to read:

7 **77.708 Adoption by resolution; transit authority.** (1) A transit authority  
8 created under s. 66.1039, by resolution under s. 66.1039 <sup>(4)</sup>(3) (s), may impose a sales ✓  
9 tax and a use tax under this subchapter at a rate not to exceed 0.5 percent of the gross  
10 receipts or sales price or, if lower, not to exceed the maximum rate established by  
11 resolution under s. 66.1039 (2) (c) 10. Those taxes may be imposed only in their  
12 entirety. The resolution shall be effective on the first day of the first calendar quarter  
13 that begins at least 120 days after the adoption of the resolution.

14 (2) Retailers and the department of revenue may not collect a tax under sub.  
15 (1) for any transit authority created under s. 66.1039 after the calendar quarter  
16 during which the transit authority adopts a repeal resolution under s. 66.1039 <sup>(4)</sup>(3) (s) ✓  
17 or dissolves as provided under s. 66.1039 (13), except that the department of revenue  
18 may collect from retailers taxes that accrued before such calendar quarter and fees,  
19 interest, and penalties that relate to those taxes.

20 SECTION 28. 77.71 (intro.) of the statutes is amended to read:

21 **77.71 Imposition of county, transit authority, and special district sales**  
22 **and use taxes.** (intro.) Whenever a county sales and use tax ordinance is adopted  
23 under s. 77.70, a transit authority resolution is adopted under s. 77.708, or a special  
24 district resolution is adopted under s. 77.705 or 77.706, the following taxes are  
25 imposed:

1           **SECTION 29.** 77.71 (1) of the statutes is amended to read:

2           77.71 (1) For the privilege of selling, leasing, or renting tangible personal  
3 property and for the privilege of selling, performing, or furnishing services a sales  
4 tax is imposed upon retailers at the rate of 0.5% in the case of a county tax, at the  
5 rate under s. 77.708 in the case of a transit authority tax, or at the rate under s.  
6 77.705 or 77.706 in the case of a special district tax of the gross receipts from the sale,  
7 lease, or rental of tangible personal property, except property taxed under sub. (4),  
8 sold, leased, or rented at retail in the county or, special district, or transit authority's  
9 jurisdictional area, or from selling, performing, or furnishing services described  
10 under s. 77.52 (2) in the county or, special district, or transit authority's jurisdictional  
11 area.

12           **SECTION 30.** 77.71 (2) of the statutes is amended to read:

13           77.71 (2) An excise tax is imposed at the rate of 0.5% in the case of a county tax,  
14 at the rate under s. 77.708 in the case of a transit authority tax, or at the rate under  
15 s. 77.705 or 77.706 in the case of a special district tax of the sales price upon every  
16 person storing, using, or otherwise consuming in the county or, special district, or  
17 transit authority's jurisdictional area tangible personal property or services if the  
18 property or service is subject to the state use tax under s. 77.53, except that a receipt  
19 indicating that the tax under sub. (1), (3), or (4) has been paid relieves the buyer of  
20 liability for the tax under this subsection and except that if the buyer has paid a  
21 similar local tax in another state on a purchase of the same property or services that  
22 tax shall be credited against the tax under this subsection and except that for motor  
23 vehicles that are used for a purpose in addition to retention, demonstration, or  
24 display while held for sale in the regular course of business by a dealer the tax under

1 this subsection is imposed not on the sales price but on the amount under s. 77.53  
2 (1m).

3 **SECTION 31.** 77.71 (3) of the statutes is amended to read:

4 77.71 (3) An excise tax is imposed upon a contractor engaged in construction  
5 activities within the county ~~or, special district, or transit authority's jurisdictional~~  
6 area, at the rate of 0.5% in the case of a county tax, at the rate under s. 77.708 in the  
7 case of a transit authority tax, or at the rate under s. 77.705 or 77.706 in the case of  
8 a special district tax of the sales price of tangible personal property that is used in  
9 constructing, altering, repairing, or improving real property and that becomes a  
10 component part of real property in that county or special district or in the transit  
11 authority's jurisdictional area, except that if the contractor has paid the sales tax of  
12 a county ~~in the case of a county tax, transit authority, or of a special district in the~~  
13 ~~case of a special district tax~~ in this state on that property, or has paid a similar local  
14 sales tax in another state on a purchase of the same property, that tax shall be  
15 credited against the tax under this subsection.

16 **SECTION 32.** 77.71 (4) of the statutes is amended to read:

17 77.71 (4) An excise tax is imposed at the rate of 0.5 percent in the case of a  
18 county tax, at the rate under s. 77.708 in the case of a transit authority tax, or at the  
19 rate under s. 77.705 or 77.706 in the case of a special district tax of the sales price  
20 upon every person storing, using or otherwise consuming a motor vehicle, boat,  
21 snowmobile, recreational vehicle, as defined in s. 340.01 (48r), trailer, semitrailer,  
22 all-terrain vehicle or aircraft, if that property must be registered or titled with this  
23 state and if that property is to be customarily kept in a county that has in effect an  
24 ordinance under s. 77.70, the jurisdictional area of a transit authority that has in  
25 effect a resolution under s. 77.708, or in a special district that has in effect a

1 resolution under s. 77.705 or 77.706, except that if the buyer has paid a similar local  
2 sales tax in another state on a purchase of the same property that tax shall be  
3 credited against the tax under this subsection.

4 **SECTION 33.** 77.73 (1) and (2) of the statutes are amended to read:

5 77.73 (1) Retailers making deliveries in their company-operated vehicles of  
6 tangible personal property, or of property on which taxable services were performed,  
7 to purchasers in a county ~~or~~, special district, or transit authority's jurisdictional area  
8 are doing business in that county ~~or~~, special district, or jurisdictional area, and that  
9 county ~~or~~, special district, or transit authority has jurisdiction to impose the taxes  
10 under this subchapter on them.

11 (2) Counties ~~and~~, special districts, and transit authorities do not have  
12 jurisdiction to impose the tax under s. 77.71 (2) in regard to tangible personal  
13 property purchased in a sale that is consummated in another county or special  
14 district in this state, or in another transit authority's jurisdictional area, that does  
15 not have in effect an ordinance or resolution imposing the taxes under this  
16 subchapter and later brought by the buyer into the county ~~or~~, special district, or  
17 jurisdictional area of the transit authority that has imposed a tax under s. 77.71 (2).

18 **SECTION 34.** 77.75 of the statutes is amended to read:

19 **77.75 Reports.** Every person subject to county, transit authority, or special  
20 district sales and use taxes shall, for each reporting period, record that person's sales  
21 made in the county ~~or~~, special district, or jurisdictional area of a transit authority  
22 that has imposed those taxes separately from sales made elsewhere in this state and  
23 file a report of the measure of the county, transit authority, or special district sales  
24 and use taxes and the tax due thereon separately.

25 **SECTION 35.** 77.76 (1) of the statutes is amended to read:

1        77.76 (1) The department of revenue shall have full power to levy, enforce, and  
2        collect county, transit authority, and special district sales and use taxes and may take  
3        any action, conduct any proceeding, impose interest and penalties, and in all respects  
4        proceed as it is authorized to proceed for the taxes imposed by subch. III. The  
5        department of transportation and the department of natural resources may  
6        administer the county, transit authority, and special district sales and use taxes in  
7        regard to items under s. 77.61 (1).

8        **SECTION 36.** 77.76 (2) of the statutes is amended to read:

9        77.76 (2) Judicial and administrative review of departmental determinations  
10       shall be as provided in subch. III for state sales and use taxes, and no county, transit  
11       authority, or special district may intervene in any matter related to the levy,  
12       enforcement, and collection of the taxes under this subchapter.

13       **SECTION 37.** 77.76 (3r) of the statutes is created to read:

14       77.76 (3r) From the appropriation under s. 20.835 (4) (gc) the department of  
15       revenue shall distribute 98.5 percent of the taxes reported for each transit authority  
16       that has imposed taxes under this subchapter, minus the transit authority portion  
17       of the retailers' discount, to the transit authority no later than the end of the 3rd  
18       month following the end of the calendar quarter in which such amounts were  
19       reported. At the time of distribution the department of revenue shall indicate the  
20       taxes reported by each taxpayer. In this subsection, the "transit authority portion  
21       of the retailers' discount" is the amount determined by multiplying the total  
22       retailers' discount by a fraction the numerator of which is the gross transit authority  
23       sales and use taxes payable and the denominator of which is the sum of the gross  
24       state and transit authority sales and use taxes payable. The transit authority taxes  
25       distributed shall be increased or decreased to reflect subsequent refunds, audit

1 adjustments, and all other adjustments of the transit authority taxes previously  
2 distributed. Interest paid on refunds of transit authority sales and use taxes shall  
3 be paid from the appropriation under s. 20.835 (4) (gc) at the rate paid by this state  
4 under s. 77.60 (1) (a). Any transit authority receiving a report under this subsection  
5 is subject to the duties of confidentiality to which the department of revenue is  
6 subject under s. 77.61 (5).

7 **SECTION 38.** 77.76 (4) of the statutes is amended to read:

8 77.76 (4) There shall be retained by the state 1.5% of the taxes collected for  
9 taxes imposed by special districts under ss. 77.705 and 77.706 and transit authorities  
10 under s. 77.708 and 1.75% of the taxes collected for taxes imposed by counties under  
11 s. 77.70 to cover costs incurred by the state in administering, enforcing, and  
12 collecting the tax. All interest and penalties collected shall be deposited and retained  
13 by this state in the general fund.

14 **SECTION 39.** 77.76 (5) of the statutes is created to read:

15 77.76 (5) If a retailer receives notice from the department of revenue that the  
16 retailer is required to collect and remit the taxes imposed under s. 77.708, but the  
17 retailer believes that the retailer is not required to collect such taxes because the  
18 retailer is not doing business within the transit authority's jurisdictional area, the  
19 retailer shall notify the department of revenue no later than 30 days after receiving  
20 notice from the department. The department of revenue shall affirm or revise its  
21 original determination no later than 30 days after receiving the retailer's notice.

22 **SECTION 40.** 77.77 (1) to (3) of the statutes are amended to read:

23 77.77 (1) The gross receipts from services subject to the tax under s. 77.52 (2)  
24 are not subject to the taxes under this subchapter, and the incremental amount of  
25 tax caused by a rate increase applicable to those services is not due, if those services

1 are billed to the customer and paid for before the effective date of the county  
2 ordinance, special district resolution, transit authority resolution, or rate increase,  
3 whether the service is furnished to the customer before or after that date.

4 (2) Lease or rental receipts from tangible personal property that the lessor is  
5 obligated to furnish at a fixed price under a contract entered into before the effective  
6 date of a county ordinance, transit authority resolution, or special district resolution  
7 are subject to the taxes under this subchapter on the effective date of the ordinance  
8 or resolution, as provided for the state sales tax under s. 77.54 (18).

9 (3) The sale of building materials to contractors engaged in the business of  
10 constructing, altering, repairing or improving real estate for others is not subject to  
11 the taxes under this subchapter, and the incremental amount of tax caused by the  
12 rate increase applicable to those materials is not due, if the materials are affixed and  
13 made a structural part of real estate, and the amount payable to the contractor is  
14 fixed without regard to the costs incurred in performing a written contract that was  
15 irrevocably entered into prior to the effective date of the county ordinance, special  
16 district resolution, transit authority resolution, or rate increase or that resulted from  
17 the acceptance of a formal written bid accompanied by a bond or other performance  
18 guaranty that was irrevocably submitted before that date.

19 SECTION 41. 77.78 of the statutes is amended to read:

20 **77.78 Registration.** No motor vehicle, boat, snowmobile, recreational vehicle,  
21 as defined in s. 340.01 (48r), trailer, semitrailer, all-terrain vehicle or aircraft that  
22 is required to be registered by this state may be registered or titled by this state  
23 unless the registrant files a sales and use tax report and pays the county tax, transit  
24 authority tax, and special district tax at the time of registering or titling to the state

1 agency that registers or titles the property. That state agency shall transmit those  
2 tax revenues to the department of revenue.

3 **SECTION 42.** Subchapter XIII (title) of chapter 77 [precedes 77.9971] of the  
4 statutes is amended to read:

5 **CHAPTER 77**

6 **SUBCHAPTER XIII**

7 **REGIONAL TRANSIT AUTHORITY FEE**

8 **SECTION 43.** 77.9971 of the statutes is amended to read:

9 **77.9971 Imposition.** A regional transit authority created under s. 59.58 (6)  
10 66.1039 (15) may impose a fee at a rate not to exceed \$2 for each transaction in the  
11 region, as defined in s. 59.58 (6) (a) 2., authority's jurisdictional area, as defined in  
12 s. 66.1039 (1) (e), on the rental, but not for rerental and not for rental as a service or  
13 repair replacement vehicle, of Type 1 automobiles, as defined in s. 340.01 (4) (a), by  
14 establishments primarily engaged in short-term rental of passenger cars without  
15 drivers, for a period of 30 days or less, unless the sale is exempt from the sales tax  
16 under s. 77.54 (1), (4), (7) (a), (7m), (9), or (9a). The fee imposed under this subchapter  
17 shall be effective on the first day of the first month that begins at least 90 days after  
18 the governing body board of directors of the regional transit authority approves the  
19 imposition of the fee and notifies the department of revenue. The governing body  
20 board of directors shall notify the department of a repeal of the fee imposed under  
21 this subchapter at least 60 days before the effective date of the repeal.

22 **SECTION 44.** 77.9972 (3) of the statutes is amended to read:

23 **77.9972 (3)** From the appropriation under s. 20.835 (4) (gh), the department  
24 of revenue shall distribute 97.45% of the fees collected under this subchapter for each  
25 regional transit authority to that authority and shall indicate to the authority the

1 fees reported by each fee payer in the authority's jurisdiction, no later than the end  
2 of the month following the end of the calendar quarter in which the amounts were  
3 collected. The fees distributed shall be increased or decreased to reflect subsequent  
4 refunds, audit adjustments, and all other adjustments. Interest paid on refunds of  
5 the fee under this subchapter shall be paid from the appropriation under s. 20.835  
6 (4) (gh) at the rate under s. 77.60 (1) (a). Any regional transit authority that receives  
7 a report along with a payment under this subsection is subject to the duties of  
8 confidentiality to which the department of revenue is subject under s. 77.61 (5).

9 **SECTION 45.** 77.9973 of the statutes is amended to read: X

10 **77.9973 Discontinuation.** Retailers and the department of revenue may not  
11 collect fees under this subchapter for any regional transit authority after the  
12 calendar quarter during which the regional transit authority ceases to exist, except  
13 that the department may collect from retailers fees that accrued before that calendar  
14 quarter and interest and penalties that relate to those fees. If fees are collected, the  
15 authority may use the revenue for any lawful purpose.

16 **SECTION 46.** 85.022 (3) of the statutes is amended to read:

17 85.022 (3) A recipient of funding under this section shall make the results of  
18 its study available to any interested city, village, town or county and shall comply  
19 with the requirements of s. 59.58 (6) (dm) 66.1039 (15) (c) 2., if applicable.

20 **SECTION 47.** 85.063 (3) (b) 1. of the statutes is amended to read:

21 85.063 (3) (b) 1. Upon completion of a planning study under sub. (2), or, to the  
22 satisfaction of the department, of a study under s. 85.022, a political subdivision in  
23 a county which, or a transit authority created under s. 66.1039, that includes the  
24 urban area may apply to the department for a grant for property acquisition for an  
25 urban rail transit system.

1           **SECTION 48.** 85.064 (1) (b) of the statutes is amended to read:

2           85.064 (1) (b) "Political subdivision" means any city, village, town, county,  
3 transit commission organized under s. 59.58 (2) or 66.1021 or recognized under s.  
4 66.0301, or ~~regional~~ transit authority ~~organized~~ <sup>created</sup> under s. ~~59.58 (6)~~ 66.1039 within  
5 this state.

6           **SECTION 49.** 85.064 (4) of the statutes is ~~amended to read:~~ <sup>repealed.</sup>

7           85.064 (4) Any recipient of a grant under this section shall comply with the  
8 requirements of s. ~~59.58 (6) (dm)~~ 66.1039 (15) (c) 2., if applicable.

9           **SECTION 50.** 345.05 (1) (a) of the statutes is renumbered 345.05 (1) (am).

10          **SECTION 51.** 345.05 (1) (ag) of the statutes is created to read:

11          345.05 (1) (ag) "Authority" means a transit authority created under s. 66.1039.

12          **SECTION 52.** 345.05 (2) of the statutes is amended to read:

13          345.05 (2) A person suffering any damage proximately resulting from the  
14 negligent operation of a motor vehicle owned and operated by a municipality or  
15 authority, which damage was occasioned by the operation of the motor vehicle in the  
16 course of its business, may file a claim for damages against the municipality or  
17 authority concerned and the governing body ~~thereof~~ of the municipality, or the board  
18 of directors of the authority, may allow, compromise, settle and pay the claim. In this  
19 subsection, a motor vehicle is deemed owned and operated by a municipality or  
20 authority if the vehicle is either being rented or leased, or is being purchased under  
21 a contract whereby the municipality or authority will acquire title.

22          **SECTION 53.** 611.11 (4) (a) of the statutes is amended to read:

23          611.11 (4) (a) In this subsection, "municipality" has the meaning given in s.  
24 345.05 (1) (c), but also includes any transit authority created under s. 66.1039.

25          **SECTION 9150. Nonstatutory provisions; Transportation.**

msa  
38-2  
1  
2  
(1) TRANSIT AUTHORITIES.

(a) *Winding down of prior Kenosha-Racine-Milwaukee regional transit authority.* The regional transit authority under section 59.58 (6), 2007 stats., shall terminate on July 1, 2010. Notwithstanding any provision of section 59.58 (6), 2007 stats., after the effective date of this paragraph, the duties of the regional transit authority under section 59.58 (6), 2007 stats., shall be limited to winding down and dissolving that regional transit authority. The transit authority created under section 66.1039 (15) (a) of the statutes, as created by this act, shall be considered the successor to the regional transit authority under section 59.58 (6), 2007 stats.

(b) *Transition assistance.* The counties of Kenosha, Racine, and Milwaukee, and all members of the governing body of the regional transit authority under section 59.58 (6), 2007 stats., shall assist in good faith in the transition from the regional transit authority under section 59.58 (6), 2007 stats., to the transit authority created under section 66.1039 (15) (a) of the statutes, as created by this act. To the extent reasonably possible, the transit authority created under section 66.1039 (15) (a) of the statutes, as created by this act, shall continue the employment of all staff hired by the regional transit authority under section 59.58 (6), 2007 stats.

(c) *Assets and liabilities.* On the effective date of this paragraph, the assets and liabilities of the regional transit authority under section 59.58 (6), 2007 stats., including any accumulated moneys received from the fees imposed under subch. XIII of ch. 77, shall become the assets and liabilities of the transit authority created under section 66.1039 (15) (a) of the statutes, as created by this act.

(d) *Tangible personal property.* On the effective date of this paragraph, all tangible personal property, including records, of the regional transit authority under

1 section 59.58 (6), 2007 stats., is transferred to the transit authority created under  
2 section 66.1039 (15) (a) of the statutes, as created by this act.

3 (e) *Contracts*. All contracts entered into by the regional transit authority under  
4 section 59.58 (6), 2007 stats., in effect on the effective date of this paragraph remain  
5 in effect and are transferred to the transit authority created under section 66.1039  
6 (15) (a) of the statutes, as created by this act. The transit authority created under  
7 section 66.1039 (15) (a) of the statutes, as created by this act, shall carry out any  
8 obligations under such a contract until the contract is modified or rescinded by the  
9 transit authority created under section 66.1039 (15) (a) of the statutes, as created by  
10 this act, to the extent allowed under the contract.

11 **SECTION 9450. Effective dates; Transportation.**

12 (1) TRANSIT AUTHORITIES.

13 (a) The treatment of sections 20.566 (1) (gh) (title), 20.835 (4) (gh), 59.58 (6)  
14 (title), (a), (b), (bm), (cg) 1., 2., and 3., (cr), (d), (dm), and (e), 66.1039 (15) (d), 77.9971,  
15 77.9972 (3), 77.9933, 85.022 (3), and 85.064 (1) (b) and (4) and subchapter XIII (title)  
16 of chapter 77 of the statutes and SECTION 9150 (1) (c), (d), and (e) of this act take effect  
17 on July 1, 2010.

18 (b) The repeal and recreation of section 40.02 (28) of the statutes takes effect  
19 on January 1, 2010.

20 (END)

2009-2010 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-1139/P3ins  
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**INSERT ANAL:**

Any of

This bill requires the creation of a southeast regional transit authority (SE RTA) and a Dane County regional transit authority (DC RTA), each of which is a public body corporate and politic and a separate governmental entity. The members of the SE RTA consist of Kenosha County, Milwaukee County, Racine County, and all municipalities located within Kenosha County, Milwaukee County, and that portion of Racine County east of I 94. The counties of Waukesha, Ozaukee, and Washington may join the SE RTA upon adoption of a resolution by the county's governing body and, if one of these counties joins the SE RTA, any municipality located within the county may join the SE RTA upon adoption of a resolution by the municipality's governing body and approval of the SE RTA's board of directors. The members of the DC RTA consist of Dane County and all municipalities located within Dane County. The jurisdictional area of an RTA is generally coextensive with its composite geographic area, except the jurisdictional area of the SE RTA does not include that portion of Racine County west of I 94 and the jurisdictional area of the DC RTA, for tax purposes only, is smaller than Dane County.

An RTA's authority is vested in its board of directors. Directors serve four year terms. An RTA's bylaws govern its management, operations, and administration and must include provisions specifying all of the following:

2

**INSERT 9-22:**

3

**SECTION 1.** 59.58 (6) (a) 1. of the statutes is amended to read:

4

59.58 (6) (a) 1. "Authority" means the regional transit authority created under

5

this subsection.

6

**SECTION 2.** 59.58 (6) (f) of the statutes is created to read:

7

59.58 (6) (f) The authority shall terminate on the first day of the 3rd month

8

beginning after the effective date of this paragraph .... [LRB inserts date].

9

10

**INSERT 12-3:**

11

**(2) CREATION OF TRANSIT AUTHORITIES.** (a) *Southeast regional transit authority.*

12

1. The counties of Kenosha, Milwaukee, and Racine shall jointly create a public body

1 corporate and politic, which shall be a separate governmental entity and shall be  
2 known as the "southeast regional transit authority." Any municipality located in  
3 whole or in part within Kenosha County, Milwaukee County, or that portion of Racine  
4 County east of I 94 shall also be a member of this authority. This authority may  
5 transact business and exercise any powers granted to it under this section.

6 2. The counties of Waukesha, Ozaukee, and Washington may join the authority  
7 created under subd. 1. if the governing body of the county adopts a resolution to join  
8 the authority.

9 3. Any municipality located in whole or in part within Waukesha County,  
10 Ozaukee County, or Washington County may join the authority created under subd.  
11 1. if the governing body of the municipality adopts a resolution to join the authority,  
12 any county in which the municipality is located has joined the authority, and the  
13 board of directors of the authority approves the municipality's joinder.

14 4. The jurisdictional area of the authority created under this paragraph is the  
15 geographic area formed by the combined territorial boundaries of Milwaukee  
16 County, Kenosha County, that portion of Racine County located east of I 94, and any  
17 county that joins the authority under subd. 2.

18 (b) *Dane County regional transit authority.* 1. The county of Dane shall create  
19 a public body corporate and politic, which shall be a separate governmental entity  
20 and shall be known as the "Dane County regional transit authority." Any  
21 municipality located in whole or in part within Dane County shall also be a member  
22 of this authority. This authority may transact business and exercise any powers  
23 granted to it under this section.

24 2. Except as provided in sub. (4) (s), the jurisdictional area of the authority  
25 created under this paragraph is Dane County.

Any  
of

1           **(3) TRANSIT AUTHORITY GOVERNANCE.** (a) The powers of an authority shall be  
2 vested in its board of directors. Directors shall be appointed for 4-year terms. A  
3 majority of the board of directors' full authorized membership constitutes a quorum  
4 for the purpose of conducting the authority's business and exercising its powers.  
5 Action may be taken by the board of directors upon a vote of a majority of the directors  
6 present and voting, unless the bylaws of the authority require a larger number.

7           (b) The board of directors of the authority created under sub. (2) (a) consists of  
8 the following members:

9           1. Two members, one from Kenosha County and one from Milwaukee County,  
10 appointed by the county executive of each county and approved by the county board.

11           2. Three members, one each from the cities of Kenosha and Milwaukee and one  
12 from that portion of the city of Racine east of I 94, appointed by the mayor of each  
13 such city and approved by the common council.

14           3. Two members, one each from Milwaukee County and the jurisdictional area  
15 of the authority, by the governor appointed.

16           4. One member from each county that joins the authority under sub. (2) (a) 2.,  
17 appointed by the county executive of the county and approved by the county board.

18           5. One member from each city with a population of more than 60,000 located  
19 in a county that has joined the authority under sub. (2) (a) 2., appointed by the mayor  
20 of each such city and approved by the common council.

21           (c) The board of directors of the authority created under sub. (2) (b) consists of  
22 the following members:

23           1. Two members appointed by the county executive and approved by the county  
24 board.

2. Two members appointed by the mayor of the city of Madison and approved by the common council.

3. One member appointed by the governor.

4. One member from each city with a population of more than 40,000 located in Dane County, appointed by the mayor of each such city and approved by the common council.

(d) The bylaws of an authority shall govern its management, operations, and administration, consistent with the provisions of this section, and shall include provisions specifying all of the following:

**INSERT 17-11:**

jurisdictional area. For purposes of this paragraph and ss. 77.71 (1), (2), (3), and (4), 77.73 (1) and (2), and 77.75, the jurisdictional area of an authority created under sub. (2) (b) is the metropolitan planning area, as defined in 23 USC 134 (b) (1), that includes the city of Madison.

**INSERT 25-7:**

(14) DUTY TO PROVIDE TRANSIT SERVICE. An authority shall provide, or contract for the provision of, transit service within the authority's jurisdictional area.

**INSERT 38-2:**

(a) *Initial terms of southeast regional transit authority.* Notwithstanding the length of terms specified for members of the board of directors of the southeast regional transit authority under section 66.1039 (2) (a) and (3) (a) of the statutes, as

1 created by this act, the initial members of the board of directors shall be appointed  
2 for the following terms:

3 1. The members appointed under section 66.1039 (3) (b) 1. and 3. of the statutes,  
4 as created by this act, for terms expiring on July 1, 2011.

5 2. The members appointed under section 66.1039 (3) (b) 2. of the statutes, as  
6 created by this act, for terms expiring on July 1, 2013.

7 (b) *Initial terms of Dane County regional transit authority.* Notwithstanding  
8 the length of terms specified for members of the board of directors of the Dane County  
9 transit authority under section 66.1039 (2) (b) and (3) (a) of the statutes, as created  
10 by this act, the initial members of the board of directors shall be appointed for the  
11 following terms:

12 1. The members appointed under section 66.1039 (3) (c) 1. and 4. of the statutes,  
13 as created by this act, for terms expiring on July 1, 2011.

14 2. The members appointed under section 66.1039 (3) (c) 2. and <sup>3</sup>4. of the statutes,  
15 as created by this act, for terms expiring on July 1, 2013.

16

17

**Gary, Aaron**

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**From:** Byrnes, Tyler - DOA [Tyler.Byrnes@wisconsin.gov]  
**Sent:** Wednesday, January 28, 2009 11:38 AM  
**To:** Gary, Aaron  
**Subject:** RE: Draft 1139/p2 Creation of Regional Transit Authorities

Aaron,

The gov's office would like to change the Dane County RTA boundaries to the MPO boundaries, to make the taxing/representation area line up.

Also, the Dane county appointments must be limited to individuals from inside the MPO.

Thanks,

Tyler

-----Original Message-----

**From:** Gary, Aaron [mailto:Aaron.Gary@legis.wisconsin.gov]  
**Sent:** Wednesday, January 28, 2009 9:17 AM  
**To:** Byrnes, Tyler - DOA  
**Cc:** Grinde, Kirsten - DOA; Kreye, Joseph - LEGIS  
**Subject:** RE: Draft 1139/p2 Creation of Regional Transit Authorities

Tyler,

I completed this redraft last night. Joe Kreye reviewed it this morning and flagged a tax issue. He believes there is a serious constitutional (equal protection) issue in having a jurisdictional area for the Dane County RTA that is not coextensive with its taxing area (the draft imposes the tax only on the center/populated areas of Dane County, not all of Dane County).

You may want to revisit this issue. If you want to discuss it further, please call Joe.

Aaron

Aaron R. Gary  
Attorney, Legislative Reference Bureau  
608.261.6926 (voice)  
608.264.6948 (fax)  
aaron.gary@legis.state.wi.us

-----Original Message-----

**From:** Byrnes, Tyler - DOA [mailto:Tyler.Byrnes@wisconsin.gov]  
**Sent:** Tuesday, January 27, 2009 3:12 PM  
**To:** Gary, Aaron  
**Subject:** RE: Draft 1139/p2 Creation of Regional Transit Authorities

Aaron,

Update on the Dane county RTA - the sales tax should only apply inside the Madison Area Metropolitan Planning Organization Boundaries. The entire county should still be considered part of the region.

Thanks.

Tyler

-----Original Message-----

**From:** Gary, Aaron [mailto:Aaron.Gary@legis.wisconsin.gov]  
**Sent:** Tuesday, January 27, 2009 1:43 PM  
**To:** Byrnes, Tyler - DOA  
**Subject:** RE: Draft 1139/p2 Creation of Regional Transit Authorities

**Gary, Aaron**

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**From:** Byrnes, Tyler - DOA [Tyler.Byrnes@wisconsin.gov]  
**Sent:** Wednesday, January 28, 2009 10:05 AM  
**To:** Gary, Aaron  
**Cc:** Kraus, Jennifer - DOA; Grinde, Kirsten - DOA; Schmiedicke, David P - DOA; Patton, Christopher - GOV  
**Subject:** Draft 1139/p2 Creation of Regional Transit Authorities

Aaron,

In my discussion with Mayor Hanna, the decision for the boundaries of the regional transit authority was to set the borders at the urbanized portion of the Fox Cities Metropolitan Planning Area. The transit authority should have the same powers as the other two we've created.

The mayor is calling back in a half hour with board size and membership.

Thanks,

Tyler

**Gary, Aaron**

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**From:** Byrnes, Tyler - DOA [Tyler.Byrnes@wisconsin.gov]  
**Sent:** Wednesday, January 28, 2009 2:25 PM  
**To:** Gary, Aaron  
**Subject:** RE: Draft 1139/p2 Creation of Regional Transit Authorities

Just the Urbanized portion of it. The people from Appleton felt that the urbanized portion would cover their needs, so I'll defer to them.

Tyler

-----Original Message-----

From: Gary, Aaron [mailto:Aaron.Gary@legis.wisconsin.gov]  
Sent: Wednesday, January 28, 2009 2:22 PM  
To: Byrnes, Tyler - DOA  
Subject: RE: Draft 1139/p2 Creation of Regional Transit Authorities

Tyler,

When I spoke with you this afternoon, we discussed using the Fox Cities MPA. This e-mail refers to the "urbanized portion" of this MPA ("urbanized area" is defined under the applicable fed law as an area with a population of 50,000 or more). I'm not sure how much of the Fox Cities MPA would be considered an urbanized area. In any event, do you want the Fox Cities RTA's area to be the full MPA or just the urbanized portion of it?

Thanks. Aaron

Aaron R. Gary  
Attorney, Legislative Reference Bureau  
608.261.6926 (voice)  
608.264.6948 (fax)  
aaron.gary@legis.state.wi.us

-----Original Message-----

From: Byrnes, Tyler - DOA [mailto:Tyler.Byrnes@wisconsin.gov]  
Sent: Wednesday, January 28, 2009 10:05 AM  
To: Gary, Aaron  
Cc: Kraus, Jennifer - DOA; Grinde, Kirsten - DOA; Schmiedicke, David P - DOA; Patton, Christopher - GOV  
Subject: Draft 1139/p2 Creation of Regional Transit Authorities

Aaron,

In my discussion with Mayor Hanna, the decision for the boundaries of the regional transit authority was to set the borders at the urbanized portion of the Fox Cities Metropolitan Planning Area. The transit authority should have the same powers as the other two we've created.

The mayor is calling back in a half hour with board size and membership.

Thanks,

Tyler

**Gary, Aaron**

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**From:** Byrnes, Tyler - DOA [Tyler.Byrnes@wisconsin.gov]  
**Sent:** Wednesday, January 28, 2009 10:50 AM  
**To:** Gary, Aaron  
**Subject:** RE: Fox Valley RTA board Membership

That is correct.

---

**From:** Gary, Aaron [mailto:Aaron.Gary@legis.wisconsin.gov]  
**Sent:** Wednesday, January 28, 2009 10:49 AM  
**To:** Byrnes, Tyler - DOA  
**Subject:** RE: Fox Valley RTA board Membership

The terms would be 4 years (including rotational terms), as with the SE RTA and Dane Co. RTA?

Aaron R. Gary  
Attorney, Legislative Reference Bureau  
608.261.6926 (voice)  
608.264.6948 (fax)  
aaron.gary@legis.state.wi.us

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**From:** Byrnes, Tyler - DOA [mailto:Tyler.Byrnes@wisconsin.gov]  
**Sent:** Wednesday, January 28, 2009 10:42 AM  
**To:** Gary, Aaron  
**Subject:** Fox Valley RTA board Membership

Aaron,

This is what the RTA board from the Valley should look like:

- 1 gov's appointment as chair
- 1 from Outagamie County appointed by county exec, confirmed by board
- 1 from Calumet County same as above
- 1 from Winnebago CO – same as above
- 1 from city of Appleton – appointed by Mayor, confirmed by city council
- 1 from City of Neenah – same as above
- 1 from town of Grand Chute – appointed by town chairmen, confirmed by town board
- 1 rotational appointment from town of Menasha appointed town chairman, confirmed by town board, City of Menasha, appointed by Mayor, confirmed by council
- Town of Menasha appointment serves for 1 term, city of Menasha serves for one term, and then back to town of Menasha, and so forth.

1 rotational appointment from City of Kaukauna, Village of Kimberly, Village of Little Chute, Town of Buchannan.

City of Kaukauna serves for one term, Kimberly one term, little Chute one term, Buchannan one term, and back to the beginning.

Let me know if you need clarification on the rotational appointments.

Thanks,

Tyler.

01/28/2009

**Gary, Aaron**

---

**From:** Gary, Aaron  
**Sent:** Wednesday, January 28, 2009 1:16 PM  
**To:** Byrnes, Tyler - DOA  
**Subject:** RE: Draft 1139/p2 Creation of Regional Transit Authorities

Tyler,

Based upon your response below, I am confused.

So for the Dane Co. RTA: Required members are Dane Co. and all municipalities in the MMPA. "Opt in" members include any municipality in Dane Co. that is not within the MMPA, but do not include counties adjoining Dane County (or municipalities within those adjoining counties).

And for the Fox Valley RTA: Required members are Brown, Outagamie, Calumet, and Winnebago Cos. and all municipalities in the urbanized area of the FCMPA. "Opt in" members include any municipality in these counties that is not within the urbanized area of the FCMPA, but do not include counties adjoining Brown, Outagamie, Calumet, and Winnebago Cos. (or municipalities within those adjoining counties).

I have a feeling I have misconstrued your e-mail, so let me know if this is so. But if you want to allow "opt in" for adjoining counties, I need you to give me the name of each such county in Dane Co. and in the Fox Valley (b/c, unless an MPA corresponds with a county boundary line, a county wouldn't adjoin an MPA).

Thanks. Aaron

Aaron R. Gary  
Attorney, Legislative Reference Bureau  
608.261.6926 (voice)  
608.264.6948 (fax)  
aaron.gary@legis.state.wi.us

-----Original Message-----

From: Byrnes, Tyler - DOA [mailto:Tyler.Byrnes@wisconsin.gov]  
Sent: Wednesday, January 28, 2009 12:56 PM  
To: Gary, Aaron  
Subject: RE: Draft 1139/p2 Creation of Regional Transit Authorities

Dane - Any subdivision in Dane County.

Fox Valley - Any subdivision in Brown, Outagamie, Calumet or Winnebago.

-----Original Message-----

From: Gary, Aaron [mailto:Aaron.Gary@legis.wisconsin.gov]  
Sent: Wednesday, January 28, 2009 12:51 PM  
To: Byrnes, Tyler - DOA  
Subject: RE: Draft 1139/p2 Creation of Regional Transit Authorities

It wasn't clear, so the adjoining county part for Dane County isn't in the /P3 draft.

Can you tell me which counties you mean for both Dane County and for the Fox Valley RTA?

Thanks.

Aaron R. Gary

Attorney, Legislative Reference Bureau  
608.261.6926 (voice)  
608.264.6948 (fax)  
aaron.gary@legis.state.wi.us

-----Original Message-----

From: Byrnes, Tyler - DOA [mailto:Tyler.Byrnes@wisconsin.gov]  
Sent: Wednesday, January 28, 2009 12:48 PM  
To: Gary, Aaron  
Subject: RE: Draft 1139/p2 Creation of Regional Transit Authorities

Great.

Hey, if I didn't already make it clear, adjoining counties and cities in adjoining counties to the Fox Valley RTA should be able to join the transit authority the same way they can join the Southeast RTA and Dane county RTA.

Thanks. Tyler

-----Original Message-----

From: Gary, Aaron [mailto:Aaron.Gary@legis.wisconsin.gov]  
Sent: Wednesday, January 28, 2009 12:06 PM  
To: Byrnes, Tyler - DOA  
Subject: RE: Draft 1139/p2 Creation of Regional Transit Authorities

Thanks.

You'll see the /P3 draft first, w/o these changes and w/o the Fox Valley part. In the meantime, I'll be working on the /P4 draft. So if you see any problems with the /P3, let me know and I will roll the corrections into the /P4.

Aaron

Aaron R. Gary  
Attorney, Legislative Reference Bureau  
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608.264.6948 (fax)  
aaron.gary@legis.state.wi.us

-----Original Message-----

From: Byrnes, Tyler - DOA [mailto:Tyler.Byrnes@wisconsin.gov]  
Sent: Wednesday, January 28, 2009 11:38 AM  
To: Gary, Aaron  
Subject: RE: Draft 1139/p2 Creation of Regional Transit Authorities

Aaron,

The gov's office would like to change the Dane County RTA boundaries to the MPO boundaries, to make the taxing/representation area line up.

Also, the Dane county appointments must be limited to individuals from inside the MPO.

Thanks,

Tyler

-----Original Message-----

From: Gary, Aaron [mailto:Aaron.Gary@legis.wisconsin.gov]  
Sent: Wednesday, January 28, 2009 9:17 AM  
To: Byrnes, Tyler - DOA  
Cc: Grinde, Kirsten - DOA; Kreye, Joseph - LEGIS  
Subject: RE: Draft 1139/p2 Creation of Regional Transit Authorities

Tyler,

I completed this redraft last night. Joe Kreye reviewed it this morning and flagged a tax issue. He believes there is a serious constitutional (equal protection) issue in having a jurisdictional area for the Dane County RTA that is not coextensive with its taxing area (the draft imposes the tax only on the center/populated areas of Dane County, not all of Dane County).

You may want to revisit this issue. If you want to discuss it further, please call Joe.

Aaron

Aaron R. Gary  
Attorney, Legislative Reference Bureau  
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608.264.6948 (fax)  
aaron.gary@legis.state.wi.us

-----Original Message-----

From: Byrnes, Tyler - DOA [mailto:Tyler.Byrnes@wisconsin.gov]  
Sent: Tuesday, January 27, 2009 3:12 PM  
To: Gary, Aaron  
Subject: RE: Draft 1139/p2 Creation of Regional Transit Authorities

Aaron,

Update on the Dane county RTA - the sales tax should only apply inside the Madison Area Metropolitan Planning Organization Boundaries. The entire county should still be considered part of the region.

Thanks.

Tyler

-----Original Message-----

From: Gary, Aaron [mailto:Aaron.Gary@legis.wisconsin.gov]  
Sent: Tuesday, January 27, 2009 1:43 PM  
To: Byrnes, Tyler - DOA  
Subject: RE: Draft 1139/p2 Creation of Regional Transit Authorities

Tyler,

Can you tell me what the length of the terms will be for transit authority board members?

Aaron

Aaron R. Gary  
Attorney, Legislative Reference Bureau  
608.261.6926 (voice)  
608.264.6948 (fax)  
aaron.gary@legis.state.wi.us

-----Original Message-----

From: Byrnes, Tyler - DOA [mailto:Tyler.Byrnes@wisconsin.gov]  
Sent: Tuesday, January 27, 2009 12:09 PM  
To: Gary, Aaron  
Subject: RE: Draft 1139/p2 Creation of Regional Transit Authorities

All municipalities in Milwaukee and Kenosha County are automatically members.

-----Original Message-----

From: Gary, Aaron [mailto:Aaron.Gary@legis.wisconsin.gov]  
Sent: Tuesday, January 27, 2009 12:08 PM  
To: Byrnes, Tyler - DOA  
Subject: RE: Draft 1139/p2 Creation of Regional Transit Authorities

1/28 Hc w/ Tyler

Lin response to e-mail 1/28 @ 1:16 pm)

~~Base Force~~

• MPA →

- subdividing w/in Dane Co. can opt into RTA
- ~~if Dane Co.~~
- Dane Co. is a member

• Fox Valley →

at Appleton

- 4 counties → in
- all municipalities w/in MPA
- municipalities outside ~~MPA~~ MPA but in those 4 counties can join

# Fox Cities Metropolitan Planning Area

The Fox Cities Metropolitan Planning Organization is the designated policy body responsible for continuing, cooperative and comprehensive urban transportation planning and decision making for the Fox Cities Metropolitan Planning Area.

The Fox Cities Metropolitan Planning Area consists of the City of Appleton and the Fox Cities Urbanized Area, including all or portions of the 14 contiguous villages, cities, and towns that are or are likely to become urbanized within a 20-year planning period. The planning area currently consists of:

- Cities of Appleton, Kaukauna, Menasha and Neenah
- Villages of Combined Locks and Kimberly
- Towns of Buchanan, Grand Chute, Greenville, Harrison, Kaukauna, Menasha, Neenah and Vandenbroek
- Calumet, Outagamie and Winnebago counties

